

**Response to Missing  
Requirements Under  
35 USC § 371**

Attorney Docket No.: DAIRY88.016APC

First Named Inventor: Carr et al.

Int'l Application No.: PCT/NZ04/00154

US Application No.: 10/564,125

Entered National Phase: January 9, 2006

Title: PROCESS FOR PREPARING CONCENTRATED MILK  
PROTEIN INGREDIENT AND PROCESSED CHEESE  
MADE THEREFROM

**Direct all correspondence to Customer No.: 20995**

Date: August 16, 2006

Page 1 of 1

**Mail Stop PCT**

United States Patent and Trademark Office

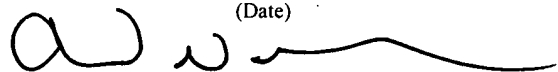
PO Box 1450

Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on

August 16, 2006

(Date)



Andrew N. Merickel, Reg. No. 53,317

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated May 19, 2006.
- (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in 4 pages.
- (X) Return prepaid postcard.

**FILING FEES NOT YET PAID:**

| FEE CALCULATION   |                     |              |                      |              |
|-------------------|---------------------|--------------|----------------------|--------------|
| FEE TYPE          |                     | LARGE FEE    | CALCULATION          | TOTAL        |
| Late Oath/Decl.   | 37 CFR § 1.492(h)   | 1617 (\$130) |                      | \$130        |
| 1 Month Extension | 37 CFR § 1.17(a)(1) | 1251 (\$120) |                      | \$120        |
|                   |                     |              | <b>SUB TOTAL</b>     | <b>\$250</b> |
|                   |                     |              | <b>TOTAL FEE DUE</b> | <b>\$250</b> |

- (X) A check in the amount of **\$250** is enclosed to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.

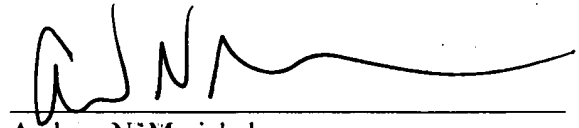
08/28/2006 MKAYPAGH 00000032 10564125

01 FC:1617 130.00 OP

08/28/2006 MKAYPAGH 00000032 10564125

02 FC:1251 120.00 OP

2842710  
081606



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UNITED STATES PATENT AND TRADEMARK OFFICE

DAIRY88.016APC ANM

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/564,125                  | Alistair James Carr   | DAIRY88.016APC   |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/NZ04/00154

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
|------------------|---------------|

07/21/2004

07/24/2003

20995  
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 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614

CONFIRMATION NO. 8879

371 FORMALITIES LETTER



\*OC000000018867370\*

Date Mailed: 05/19/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/09/2006
- Copy of the International Search Report filed on 01/09/2006
- Preliminary Amendments filed on 01/09/2006
- Information Disclosure Statements filed on 01/09/2006
- U.S. Basic National Fees filed on 01/09/2006
- Priority Documents filed on 01/09/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/564,125                  | PCT/NZ04/00154                | DAIRY88.016APC   |

FORM PCT/DO/EO/905 (371 Formalities Notice)